

REMARKS

Claims 1-40 and 43-45 were pending prior to this amendment. Claims 4 and 9 were indicated as having allowable subject matter. Claims 1-3, 5-8, 10-40 and 43-45 are rejected. Claims 4-12, 14, 19, 23 and 25-35 have been amended. Claims 1-3 and 36-40 have been cancelled. In light of the following remarks, Applicant requests reconsideration and allowance of all pending claims.

Status of the application

The finality of the Office Action mailed July 24, 2007 is premature under the rules. The MPEP states that an Office Action is not final when, "the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims...". See MPEP 706.07(a). Furthermore, this rule applies "in spite of the fact that other claims may have been amended to require newly cited art." *Id.*

Here, claim 43 was newly rejected based on 35 U.S.C. § 103. See page 2 of the present Office Action. The rejection under 35 U.S.C. § 103 is a new ground of rejection because the previous Office Action rejected claim 43 only under 35 U.S.C. § 102. See page 2 of the Office Action mailed April 18, 2007. The amendments to claim 43 merely put a dependent claim into independent form, and therefore did not change the scope of the claim. Since the scope of the claim was the same both before and after the amendment, the new rejection was not necessitated by the amendment. Accordingly, under the rules the finality of the Office Action is improper and must be withdrawn.

Allowable subject matter

Claims 4 and 9 have been indicated as containing allowable subject matter.

Claim 4 has been put into independent form. Additionally, other amendments have been made. Claim 4 as amended should be allowed for at least the reasons as indicated in the Office Action.

Claim 9 has been put into independent form. In addition to other amendments, claim 9 has been amended so that, when the security identifier is unavailable, the substitute value is one selected from the group of a serial number, a physical address and another statically-assigned value. This feature is not disclosed in any of the cited references for at least similar reasons as stated in the indication of allowable subject matter. Thus, claim 9 should be allowed.

Claim Objections

Claim 23 has been objected to.

Claim 23 has been amended to correct a typographical error.

35 U.S.C. § 103

Claims 1-3, 5-6, 7-8, 10-38, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billhartz (US 6,986,161) in view Ammon (US 2003/0217289).

Claims 1-3 have been cancelled. Claims 5-6, 7-8 and 10-12 depend from claims 4 or 9 and thus should be allowed for at least the reasons stated above.

Claim 13 includes the feature of “when the node corresponds to one of the tracked entities, linking at least a portion of the received node information to an existing entry in the database”. None of the cited references teach at least this feature.

The Office Action relies upon col. 4, lines 4-13 of Billhartz as allegedly disclosing this feature. For reference, this cited portion is restated below:

The method may also include monitoring transmissions among the plurality of nodes to detect service set IDs associated therewith, and generating an intrusion alert based upon one of the detected service set IDs being different than the at least one service set ID of the MANET. Also, transmission may be detected over at least one channel which do not originate from one of the plurality of nodes, and an intrusion alert may be generated based thereon. The intrusion alert may also be transmitted to at least one of the plurality of nodes. *See* Billhartz, col. 4, lines 4-13.

Applicant disagrees with the Office Action; the above portion simply does not disclose the feature of “when the node corresponds to one of the tracked entities, linking at least a portion of the received node information to an existing entry in the database”.

No other portions of Billhartz teach this feature. Generally Billhartz teaches intrusion detection based on monitoring for certain conditions, and generating an intrusion alert when the conditions are observed. *See* FIGS. 11-21. When the monitored information indicates no intrusion, the system does not link at least a portion of the received node information to an existing entry in the database.

Ammon also fails to disclose this feature. Ammon stores information obtained from monitoring wireless nodes, such as signal strength information as shown in FIG. 6; however, the stored information is not linking to an existing database entry. Thus, the system in Ammon is likely to represent a single node multiple times when the node is subject to dynamic address assignment. The stored information thus could falsely suggest that multiple nodes exist, when in fact only one node exists.

In contrast, claim 13 includes the feature of “when the node corresponds to one of the tracked entities, linking at least a portion of the received node information to an existing entry in the database”. This feature prevents a system from generating multiple database entries for a node subject to dynamic address assignment. This feature provides better tracking of an entity in a computer network. Thus, claim 13 should be allowed. Claims 14-24 are dependent and should be allowed for at least similar reasons. Claims 25-35 and 43-35 include similar features and should be allowed for at least similar reasons. Claims 36-40 have been cancelled.

In addition to the above, the combination of Billhartz and Ammon fail to disclose numerous other claimed features. For example, the Office Action seems to be attributing many incongruent different meanings to the col. 4, lines 3-12 of Billhartz. Not only was this section relied upon to reject a feature of the independent claims as described above, but this same section was also relied upon to reject features of claims 34 and 35. The features of claims 34 and 35 are different than the features of the independent claims, and thus even if the cited section did teach the features of the independent claims (it does not for the reasons explained above), the cited section does not also teach the different features of the dependent claims 34 and 35. No other portions of Billhartz or any of the cited references disclose the features of claims 34 and 35.

Claims 39-40 and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billhartz (US 6,986,161) in view Ammon (US 2003/0217289) and further in view of Short (US 7,194,554).

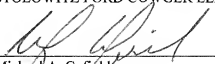
Claims 39-40 have been cancelled. Claims 44-45 should be allowed for at least similar reasons as stated above.

Conclusion

For the foregoing reasons, reconsideration and allowance of all pending claims of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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